

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/774,670 Confirmation No.: 9433
Applicant(s): Andrea Finke-Anlauff et al. Art Unit: 2161
Filed: February 9, 2004 Examiner: Chelcie L. Daye
Title: REPRESENTATION OF MEDIA ITEMS IN A MEDIA FILE
MANAGEMENT APPLICATION FOR USE WITH A DIGITAL DEVICE

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REPLY BRIEF UNDER 37 CFR § 1.193(b)(1)

This Reply Brief is filed in response to the Examiner's Answer mailed on May 14, 2008, the Examiner's Answer being in response to an Appeal Brief filed on February 21, 2008. This Reply Brief addresses several points raised by the Examiner's Answer.

7. *Argument.*

As explained in the Appeal Brief at pages 5-10, Claims 1-9, 35-39, 48, and 49 are patentably distinct from the cited references, taken individually or in combination. Accordingly, Appellants respectfully request that the aforesaid rejections be reversed.

In reply to the Examiner's Answer, Appellants again submit that the cited references, either alone or in combination, fail to teach or suggest the recited features of the claimed invention. The Examiner's Answer is, in large part, simply a reiteration of the claim rejections offered in the final Official Action of July 19, 2007. As such, Appellants respectfully submit that since the Appeal Brief pointed out the flaws in the Examiner's reasoning with respect to these rejections, no further discussion of the issues previously addressed need be presented herein. Rather, Appellants will herein simply respond to the specific assertions from the "Response to Argument" section of the Examiner's Answer (pages 8-11).

10. ***Response to Argument.***

The Examiner's Answer identified two of Appellants' arguments of section 7 of the Appeal Brief and provided responses thereto beginning on page 8 of the Examiner's Answer. Accordingly, Appellants address the Examiner's positions below, starting in each case with the point of contention as stated by the Examiner in the Examiner's Answer.

Appellant argues, Yang does not teach “generating media file representations within the media view such that the media file representations associated with a period of time are enlarged media file representations when the period of time is proximate a predefined position within the media view”.

The Examiner's Answer responds to this statement, initially, by providing a general description of the media object management application (“MOMA”) taught by *Yang*. *See* p. 8, l. 13-p. 9, l. 3. The Examiner's Answer goes on to discuss the disclosure in *Yang* of viewing media objects as part of a “Slide Show” within which a user may adjust the temporal frequency at which media objects are automatically displayed and the display size of such displayed media objects, the display size being adjustable between a thumbnail view and a “full-screen” view. *See* p. 9, l. 3-p. 10, l. 5.

Ultimately, the Examiner's Answer states that, “as is well known in the art, images being viewed within a slideshow/viewer application are larger, and the time period is near a predefined position wherein the predefined position is the center of the screen since the mode is set to full screen along with the time period of the intervals being predefined. As a result, the above-argued feature against *Yang* has in fact been disclosed.” However, Appellants do not see the relevance of these statements to the claim language at issue.

As a reminder, the language at issue, as stated in Claim 1, is: “the media file representations associated with a period of time are enlarged media file representations when the period of time is proximate a predefined position within the media view.” An example of such a media file enlargement is provided by the embodiment of Figure 2 of the present application, reproduced below for convenience.

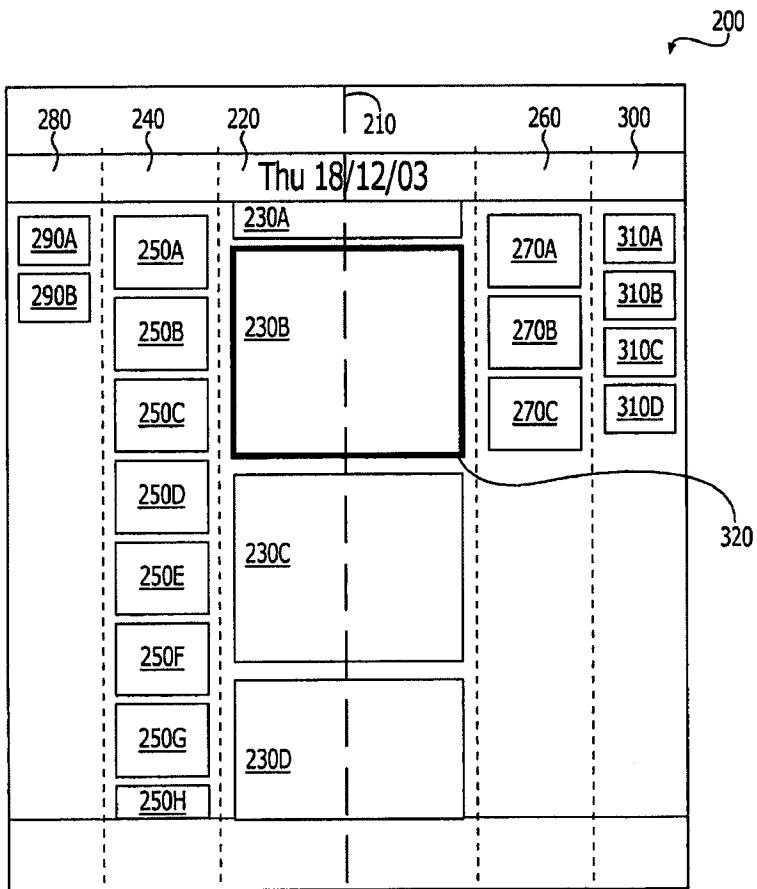


FIG. 2

The present application discusses Figure 2 thereof, stating:

In the illustrated embodiment of Figure 2, the imaginary centerline 210 of the view corresponds with the column 220 that is associated with the date 18 December 2003. The "cylindrical" media view provides for the media file representations underlying this column to be sized larger than any other media file representations in the view. Thus, media file representations 230A - 230D are the largest media file representations in the view. The media file representations will decrease in size the further the associated column is from the centerline position, thereby representing media files associated with the days prior to and subsequent to the selected date of 18 December 2003. In this regard, columns 240 and 260 provide for media file representations 250A - 250H and 270A - 270C that are reduced in size as compared to the media file representations 230A - 230D. This concept is further illustrated, by columns 280 and 300 that are furthest from the centerline position and thus have corresponding media file representations 290A - 290B and 310A - 310D that are the smallest media file representations in the view.

See p. 16, ll. 4-17. As such, Figure 2 demonstrates that the claim language “the media file representations associated with a period of time are enlarged media file representations when the period of time is proximate a predefined position within the media view” is unrelated to the elapse of time between viewing different media objects or files or the position of media file representations within a media view. Rather, it is the position of the period of time relative to a predefined position within the media view that determines whether or not associated media file representations will be enlarged (for example, referring to Figure 2, the position of the column 220 that is associated with the date 18 December 2003 relative to the imaginary centerline 210).

Appellant argues, Hayashi also fails to teach or suggest “generating media file representations within the media view such that the media file representations associated with a period of time are enlarged media file representations when the period of time is proximate a predefined position within the media view.”

The Examiner’s Answer correctly notes, at p. 10, lines 16-19, that Appellants previously indicated in the Appeal Brief that *Hayashi* was not cited by the Examiner as disclosing “the generation of media file representations within a media view such that the media file representations associated with a period of time are enlarged when the period of time is proximate a predefined position within the media view.” However, as this recitation is present, in one form or another, in each of the independent claims, and is therefore inherently recited in each of the dependent claims, and in view of the fact that various dependent claims were rejected based on the combination of *Yang* and *Hayashi*, Appellants included the discussion of *Hayashi* in order to prospectively address any concerns that *Hayashi* might cure the deficiencies noted for *Yang* with respect to the independent claims.

CONCLUSION

For at least the foregoing reasons, as well as those presented in the Appeal Brief, Appellants respectfully request that the rejections be reversed.

Respectfully submitted,



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